

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

-v-

23-CV

\$4,230 UNITED STATES CURRENCY,

Defendant.

VERIFIED COMPLAINT FOR FORFEITURE

The United States of America, by its attorney, Trini E. Ross, United States Attorney for the Western District of New York, Mary Clare Kane, Assistant United States Attorney, of counsel, for its verified complaint herein alleges as follows:

CAUSE OF ACTION

1. This is an action *in rem* under 21 U.S.C. §881(a)(6) for the forfeiture of \$4,230 United States currency (hereinafter, the “defendant currency”) which was seized on or about April 28, 2022 from 670 Union Road, West Seneca, New York.

2. This Court has subject matter jurisdiction of this action pursuant to 28 U.S.C. §§ 1345 and 1355(a), and *in rem* jurisdiction pursuant to 28 U.S.C. §§ 1355(b) and 1355(d). Venue is properly premised in the Western District of New York pursuant to 28 U.S.C. § 1395 and 21 U.S.C. § 881(j).

3. On April 28, 2022, the United States Drug Enforcement Administration (“DEA”) seized the defendant currency on the basis that it was furnished or was intended to be furnished by any person in exchange for a controlled substance and as proceeds traceable to such an exchange, and all moneys used or intended to be used to facilitate any violation of 21 U.S.C. § 841 *et. seq.*

4. The defendant currency is currently in the custody of the U.S. Marshals Service (“USMS”).

BASIS FOR FORFEITURE

5. Beginning in August of 2021, the Tactical Diversion Squad of the Drug Enforcement Administration’s (DEA) Buffalo District Office (BDO) along with the New York State Police (NYSP), Vice, Gambling, Narcotics Enforcement Team (VGNET) began an investigation into the narcotic sales and trafficking of Renee FERRENTINO (hereinafter “FERRENTINO”). As a result of the investigation, agents and investigators learned that FERRENTINO was distributing Oxycodone pills and other prescription pills in the Western District of New York. Agents and investigators learned this information through debriefings of a confidential source(s) and through conducting controlled purchases of Oxycodone pills directly from FERRENTINO and her associates. Agents and investigators learned that FERRENTINO utilized 716-XXX-XXXX to conduct her narcotics trafficking activity.

Controlled Purchases

6. On April 6, 2022, members of law enforcement conducted a controlled purchase of Oxycodone/Hydrochloride pills from FERRENTINO. On that date, agents and investigators met with an undercover officer (hereinafter “UC-1”) to make arrangements for the purchase. Prior to the deal, UC-1 made contact with FERRENTINO at 716-XXX-XXXX and made arrangements to purchase 10 “roxies.” Based on law enforcement’s training and experience, the term “roxies” is a reference to Roxicodone which is a brand name of Oxycodone/Hydrochloride pills. UC-1 made the controlled calls through a recording system which is monitored by law enforcement. During the phone conversation, FERRENTINO told UC-1 to meet her at Paula’s Donuts which is at or near 936 Union Road in West Seneca, New York.

7. UC-1 was then provided with a kel transmitter/recorder, UC-1’s vehicle and person were searched for contraband with negative results, and UC-1 was given \$200 dollars in DEA Official Advanced Funds (hereinafter “OAF”) to conduct the purchase. UC-1 was then surveilled by agents and investigators to the vicinity of the Paula’s Donuts at or near 936 Union Road, West Seneca, New York to meet FERRENTINO. FERRENTINO did not arrive at the meet location. Surveillance monitored UC-1’s call to FERRENTINO when FERRENTINO had not arrived at the meet location. During this call, FERRENTINO told UC-1 that she was tired and told UC-1 to come to her residence/house. She provided her home address of 670 Union Road, West Seneca, New York to UC-1, and described her mailbox and vehicles that were in the driveway.

8. UC-1 was surveilled by agents and investigators to the vicinity of 670 Union Road, West Seneca, New York. Surveillance agents observed UC-1 pull into FERRENTINO's driveway. After the meet, law enforcement reviewed a video recording of UC-1 inside FERRENTINO's residence with K.H. [a person known to law enforcement] who was visible on the video recording. Law enforcement identified K.H. as the individual who answered the door for UC-1. K.H. can be heard counting money on the video recording. On the video recording, UC-1 asked K.H., "We good?", and K.H. was heard stating, "Yep." Inside the residence, UC-1 purchased approximately seven (7) Oxycodone/Hydrochloride pills from K.H. UC-1 left the residence and law enforcement followed UC-1 to a neutral location, where agents debriefed UC-1 and retrieved the Oxycodone/Hydrochloride pills purchased by UC-1 as well as the technical equipment. Agents searched UC-1 and UC-1's vehicle with negative results.

9. The suspected Oxycodone/Hydrochloride pills were stamped with an "M" on one side and a "15" on the other. Using open-source records, law enforcement identified the pills as Oxycodone/Hydrochloride. Agents subsequently sent the substances (the pills) to the DEA Northeast Regional Laboratory (NERL). Subsequent lab analysis by DEA's NERL confirmed the presence of controlled substances.

10. On April 13, 2022, members of law enforcement conducted another controlled purchase of Oxycodone/Acetaminophen pills from FERRENTINO. On that date, agents and investigators met with UC-1 to make arrangements for the purchase. Prior to the deal, UC-1 called FERRENTINO at 716-XXX-XXXX and made arrangements to purchase 10 Oxycodone pills. UC-1 made these controlled calls through a recording system monitored by

law enforcement. During the phone conversation, FERRENTINO told UC-1 to meet at FERRENTINO's residence at 670 Union Road, West Seneca, New York.

11. UC-1 was then provided with a kel transmitter/recorder, UC-1's vehicle and person were searched for contraband with negative results, and UC-1 was given \$200 dollars in DEA OAF to conduct the purchase. UC-1 was surveilled by agents and investigators to the vicinity of 670 Union Road, West Seneca, New York. Surveillance monitored UC-1's phone call(s) to FERRENTINO. When UC-1 arrived at 670 Union Road, FERRENTINO directed UC-1 to go to the front door of the residence. An unidentified male (hereinafter "UM") answered the door and surveillance agents observed UC-1 enter the residence. UC-1 and the UM exchanged small talk. Thereafter, the UM gave 10 pills of suspected Oxycodone/Acetaminophen to UC-1 in exchange for U.S. currency.

12. Thereafter, UC-1 left FERRENTINO's residence and law enforcement followed UC-1 to a neutral location, where UC-1 was debriefed. Agents retrieved the Oxycodone/Acetaminophen pills purchased from UM by UC-1 as well as the technical equipment. Agents searched UC-1 and UC-1's vehicle with negative results.

13. The suspected Oxycodone/Acetaminophen pills were stamped "10/325" on one side and "M523" on the other. Using open-source records, law enforcement identified the pills as Oxycodone/Hydrochloride. Agents subsequently sent the substance to the DEA NERL for analysis and storage. Subsequent lab analysis by DEA's NERL confirmed the presence of controlled substances.

Federal Search Warrant

14. On April 22, 2022, U.S. Magistrate Judge H. Kenneth Schroeder, Jr., authorized a federal search warrant for the premises of 670 Union Road, West Seneca, New York, 14224. This is the known residence of FERRENTINO.

15. On April 28, 2022, members of the NYSP Special Response Team, DEA, and NYSP VGNET executed the federal search warrant at 670 Union Road, West Seneca, New York, 14224. At that time of the execution of the federal search warrant, law enforcement observed FERRENTINO and K.H. in a second story bedroom.

16. Law enforcement seized numerous prescription pill bottles located in a safe in a second story bedroom belonging to FERRENTINO. FERRENTINO was in this room at the time the search warrant was executed and other property belonging to FERRENTINO was found inside the bedroom. The prescription bottles contained:

- a) 90 pills of suspected amphetamine and dextroamphetamine salts, a Schedule II controlled substance;
- b) 18 pills of suspected amphetamine and dextroamphetamine;
- c) 194 pills of suspected Oxymorphone Hydrochloride, a Schedule II controlled substance;
- d) 17 pills of suspected Oxymorphone Hydrochloride, a Schedule II controlled substance;
- e) 15 pills of suspected Oxycodone-Acetaminophen, a Schedule II controlled substance;
- f) 24 capsules of suspected amphetamine and dextroamphetamine, a Schedule II controlled substance;

- g) 34 pills of suspected acetaminophen and Oxycodone Hydrochloride, a Schedule II controlled substance;
- h) 35 pills of suspected Buprenorphine Hydrochloride, a Schedule III controlled substance;
- i) 9 pills of suspected Oxymorphone Hydrochloride, a Schedule II controlled substance;
- j) 5 pills of suspected Tramadol Hydrochloride, a Schedule IV controlled substance;
- k) 3.75 pills of suspected alprazolam, a Schedule III controlled substance;
- l) 3 pills of suspected lorazepam, a Schedule IV controlled substance;
- m) 1 pill of Oxycodone Hydrochloride, a Schedule II controlled substance; and
- n) 93 pills of suspected amphetamine and dextroamphetamine, a Schedule III controlled substance.

17. Using open sources, law enforcement identified the pills as detailed above. An examination of the labels on the prescription pill bottles revealed that some of the prescriptions were prescribed to persons other than FERRENTINO. Subsequent lab analysis by DEA's NERL confirmed the presence of controlled substances in items a) through n).

18. From the safe in the second story bedroom, law enforcement also recovered a green container containing:

- a) Approximately 29 pills of Zolpidem Tartrate, a Schedule IV controlled substance;
- b) Two plastic bags containing a total of 86 pills of amphetamine and dextroamphetamine, a Schedule II controlled substance;
- c) A plastic bag containing 18 pills of Oxymorphone Hydrochloride, a Schedule II controlled substance;
- d) 12 strips of buprenorphine and naloxone, a Schedule III controlled substance; and
- e) Two vials of suspected Sustanon, a Schedule III controlled substance.

19. Using open-source records, law enforcement identified the pills detailed above. Subsequent lab analysis by DEA's NERL confirmed the presence of controlled substances in items a) through e).

20. The defendant currency was recovered from FERRENTINO's purse, which was on the bed in close proximity to prescription pills. The purse contained documentation with FERRENTINO'S name on it. Various packaging material and drug use paraphernalia were found throughout the residence. Based upon information and belief, FERRENTINO is not employed.

21. Based upon the training and experience of law enforcement, the quantity and various types of prescription pills recovered from the premises, which were confirmed by lab reports to be controlled substances, are indicative of narcotics trafficking activity, and are inconsistent with personal use. In addition, FERRENTINO's involvement in the aforementioned undercover sales, and law enforcement's observations, such as: (1) the manner in which the various pills were packaged; (2) the multiple names on the prescription bottles; (3) the close proximity of the pills to additional packaging material; and (4) the proximity of the pills to the defendant currency is indicative of narcotics trafficking activity, and inconsistent with personal use.

Federal Indictment Returned

22. On or about May 31, 2022, a federal grand jury sitting in the Western District of New York returned a seven (7) count Indictment charging FERRENTINO and others with one count of conspiracy to possess with intent to distribute and distribution of Oxycodone and Hydrocodone, Schedule II controlled substances in violation of 21 U.S.C. § 846 (Count 1). FERRENTINO was also charged with six (6) counts of possession with intent to distribute Oxycodone, a Schedule II controlled substance in violation of 21 U.S.C. § 841(a)(1) (Counts 2-7). *See*, 22-CR-0083-LJV at ECF 15.

INITIATION OF CIVIL JUDICIAL ACTION

23. On or about July 25, 2022, FERRENTINO submitted a claim to DEA to halt the administrative forfeiture proceedings against the defendant currency to refer it for judicial forfeiture proceedings. No other claims were filed.

CONCLUSION AND REQUEST FOR RELIEF

24. Based on all of the foregoing facts, the circumstances surrounding these facts, and the experience and training of the officers involved, there is reasonable cause to believe that the defendant currency was furnished or was intended to be furnished by any person in exchange for a controlled substance and as proceeds traceable to such an exchange, and all moneys used or intended to be used to facilitate any violation of 21 U.S.C. § 841 *et. seq.*, and the currency is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6).

WHEREFORE, the plaintiff requests the following relief:

- (a) that an Arrest Warrant *in rem* be issued for the defendant currency;
- (b) that notice of this action be given to all persons known or thought to have an interest in or right against the defendant currency;
- (c) that judgment be entered declaring the defendant currency be forfeited and condemned to the United States of America for disposition in accordance with law; and
- (d) that the plaintiff be awarded its costs and disbursements in this action and for such other and further relief as this court deems proper and just.

DATED: Buffalo, New York, March 21, 2023.

TRINI E. ROSS
United States Attorney
Western District of New York

BY: s/Mary Clare Kane
Assistant United States Attorney
United States Attorney's Office
Western District of New York
138 Delaware Avenue
Buffalo, NY 14202
716-843-5809
mary.kane@usdoj.gov

STATE OF NEW YORK)
COUNTY OF ERIE) ss
CITY OF BUFFALO)

JASON BATT, being duly sworn, deposes and says:

I am a Task Force Officer with the Drug Enforcement Administration (“DEA”), Buffalo New York, and I am familiar with the facts and circumstances surrounding the seizure of \$4,230 United States currency seized from Renee Ferrentino on or about April 28, 2022. The facts alleged in the Complaint for Forfeiture are true to the best of my knowledge and belief, and based upon information furnished to me by the officials of the DEA, New York State Police, and West Seneca Police Department, and provided to the officials of the United States Department of Justice.

s/Jason Batt
Task Force Officer
Drug Enforcement Administration

Subscribed and sworn to before me
This 21st day of March, 2023

s/Cheryl LoTempio
Notary Public

CHERYL LOTEMPIO
Notary Public, State of New York
Qualified in Erie County
My Commission Expires: 6-30-2026